

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

**CHRYSTENE FAYE DEELYN
ANDERSON, INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE OF
THERASA NARDELL ANDERSON,
DECEASED**

Plaintiff,

v.

**FCA US, LLC F/K/A CHRYSLER GROUP,
LLC**

Defendants.

Civil Action No. _____

PLAINTIFF'S COMPLAINT

Plaintiff Chrystene Faye Deelyn Anderson, Individually and as Representative of the Estate of Therasa Nardell Anderson, Deceased, brings suit against FCA US, LLC f/k/a Chrysler Group, LLC (“Chrysler”) and will show the Court as follows:

PRELIMINARY STATEMENT

1. This is a products liability action relating to a deadly crash on November 17, 2017 that took Therasa Anderson’s life. The Plaintiff alleges that Ms. Anderson’s death was a cause of a defective roof and fuel tank design on the 2003 Dodge Caravan in which she was traveling.

JURISDICTION

2. This is a diversity action arising out of 28 U.S.C. § 1332 (a)(1). Anderson is a citizen of South Dakota and FCA, US LLC shares citizenship with each of its members, all of whom are not residents of South Dakota.

3. The amount in controversy well exceeds \$75,000.00.

4. The Southern District of Texas, Corpus Christi Division, is an appropriate venue for this cause of action pursuant to 28 U.S.C. § 1331 (b)(2). The property that is the subject to this lawsuit, the 2003 Dodge Caravan, is located and has been located for almost two (2) years in Corpus Christi, Texas. The parties' investigation into the subject property has all occurred in Corpus Christi, Texas.

PARTIES

5. Plaintiff Chrystene Faye Deelyn Anderson is, and at all relevant times herein mentioned was, a citizen of the State of South Dakota and a resident of South Dakota. Chrystene Anderson is the biological daughter of Therasa Anderson.

6. Chrystene Faye Deelyn Anderson brings suit both individually and on behalf of the Estate of Therasa Anderson.

7. Defendant FCA US, LLC f/k/a Chrysler Group, LLC, is a Delaware Limited Liability Company with members residing in Michigan. Defendant FCA US, LLC at all relevant times conducted business in South Dakota and was registered to do business in South Dakota. FCA US, LLC may be served by serving its registered agent CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

FACTS

8. On November 17, 2017, Therasa Nardell Anderson was driving a 2003 Dodge Caravan (Vin Number 2DGP44393R226007) eastbound on 248th Street approaching Valley Road in McCook County, South Dakota.

9. The road curved to the right, but Anderson continued straight. As she overcorrected to stay on the roadway, Anderson's vehicle traveled into the ditch and rolled over, landing on all four tires.

10. After rolling over, the vehicle caught fire, and the entire vehicle burned, along with Anderson still inside. Anderson suffered from severe crush injuries and was pronounced deceased at the scene.

11. The roof design of the 2003 Dodge Caravan was defectively designed in such a way that led to improper and unacceptable intrusion into the occupant survival space during a foreseeable rollover event.

12. Reasonable alternative designs existed.

13. Closing structural section, increasing metal gauge, replacing low strength steel with high strength steel, reinforcing with structural void filling, increasing section size, adding internal reinforcements, and improving component integration are techniques that can dramatically increase roof strength and are based on basic engineering principles currently utilized as standard practice. These roof modifications were technologically and financially feasible at the time the subject vehicle was manufactured.

14. These alternative designs were in use at the time the 2003 Dodge Caravan was designed.

15. For example:

- **Closed sections:**
 - The open section front header, rear header, and corner junction could have been constructed as closed sections.
- **Thicker sheet metal:**
 - The A-pillar and outer B-pillar could have been designed from thicker sheet metal elements, and the sheet metal elements could all have been made from the thicker sheet metal.
 - This thicker sheet metal could have been used throughout the roof structure.
- **Higher strength steel:**
 - The D-ring mounting reinforcements, like those within the subject vehicle B-pillars, are typically made from a high(er) strength steel than the rest of the roof components.

- This high(er) strength steel could be used throughout the roof. Higher strength steel can typically be used anywhere throughout the roof structure without any implications for component design.

16. It is not necessary to include all the suggested alternative designs to create a strong roof. Manufacturers can employ some or all of the above design methodologies, so long as the design changes result in an appropriate level of roof strength.

17. Had the roof of the 2003 Dodge Caravan been designed utilizing these alternative methods, the roof strength would have been increased and the degree of the roof crush minimized.

18. Chrysler was owned by DaimlerChrysler corporation from 1998 until 2007. During that time, DaimlerChrysler began to harmonize the crash safety requirements of Mercedes with those of Chrysler.

19. A set of crash safety requirements were developed that are referred to as the JSPS.

20. The JSPS requirements included an inverted drop test from .5 meters and dolly rollover testing in addition to minimal requirements of FMVSS 216.

21. The JSPS also specifies occupant protection zones that must be maintained as part of the vehicle performance criterion in the rollover/ roof impact crash test.

22. Unfortunately, the Subject Vehicle was not manufactured in compliance with these standards.

COUNT I: STRICT PRODUCT LIABILITY – FCA US, LLC

23. The paragraphs above are incorporated herein.

24. The Subject Vehicle was placed into the stream of commerce by FCA US, LLC.

25. The Subject Vehicle at the time it left the hands of FCA US, LLC was in a defective condition, unreasonably dangerous to users or consumers, including the Plaintiffs, as outlined above.

26. As a direct result of the above, all Plaintiffs' suffered injuries and damages.

27. The defective design of the subject vehicle as outlined above was the proximate cause of the Plaintiffs' injuries and damages

28. As a direct and legal cause of the above, Plaintiffs suffered injuries, including but not limited to the loss of love, companionship, comfort, advice, guidance, affection, and moral support of Therasa Anderson in the past and future, the value of financial support in the past and future; the value of household services of Therasa Anderson in the past and future; and punitive damages.

COUNT II – NEGLIGENCE OF FCA US, LLC

29. As outlined above, FCA US, LLC's conduct constitutes negligence.

30. FCA US, LLC had a duty to use reasonable care in designing the subject vehicle. FCA US, LLC breached this duty as outlined above.

31. As a direct and legal cause of the above, Plaintiffs suffered injuries, including but not limited to the loss of love, companionship, comfort, advice, guidance, affection, and moral support of Therasa Anderson in the past and future, the value of financial support in the past and future; the value of household services of Therasa Anderson in the past and future; and punitive damages.

Wherefore, the Plaintiffs demand a jury trial and the following relief jointly and severally against the Defendants:

A. Compensatory damages in an amount to be determined by a jury;

- B. Costs, interest, and attorney's fees;
- C. Such other and further relief as this court may deem just and proper, including injunctive and declaratory relief.

Dated this 22nd day of April 2021.

Respectfully submitted,

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**ATTORNEYS IN CHARGE FOR
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